



Creating a Social Media Policy for Your Company- Sharing With Your Employees What They Can & Cannot Do on Twitter, Facebook, LinkedIn & Other Social Media Sites

April L. Besl

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About the Speaker

- April L. Besl is an attorney with the law firm of Dinsmore & Shohl in Cincinnati Ohio. She focuses her practice on intellectual property issues including trademarks, copyrights, trade secrets, social media, and internet law and has extensive experience assisting clients with emerging issues related to the impact of social media, the web, and technology on their business and marketing strategies.
- April has given multiple presentations on the intersection of the law and social media to legal professionals, businesses, and students. Her recent ExecSense presentation on protecting brands on social media was named a Top Read by JD Supra for the month of July. She was also featured in the “Fifth Third Business Beat” TV program that originally aired on CET-PBS on Friday, June 5, 2009, discussing the ways in which business owners and management can protect their companies when employees are using social networking sites.

What General Counsel Need to Know About Protecting Their Company's Trademarks on Social Media Sites such as Facebook, Twitter, YouTube & Others

April Besl

Why Do You Want a Social Media Policy?

- (1) Companies Far Too Often Ignore the True Impact of Social Media
- (2) “Banning” Social Media is Not the Answer
- (3) The Biggest Risks from Social Media Can Come From Within the Company
- (4) Employees Aren’t The Only Company Representatives
- (5) Not Having a Policy Can Take Away Your “Teeth”

What General Counsel Need to Know About Creating a Social Media Policy for Your Company

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Ignoring the Impact of Social Media

- Consider the Facts – In 2010 in an Average of 2 Hours:
 - 25000 New Users Joined Twitter
 - 5.4 Million Tweets Were Sent
 - 5 Million New Status Updates Were Published on Facebook
 - 1.6 Million Facebook Apps Were Installed
 - 167 Million Videos on YouTube Were Viewed
- Companies Often Don't Realize There Are Real Dollars Lost By Ignoring Social Media:
 - Lost ROI from Social Media Marketing Initiatives
 - Missed Opportunities to Interact With Consumers (Both Existing and Prospective)
 - Missed Hidden Costs to Business

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“Banning” Social Media is Not the Answer

- Exemptions for Certain Employees “Destroy” Scheme (e.g. Marketing Campaigns)
- Social Media is ***Always*** Available on Phones – Which Can Actually Decrease Productivity More Than When Used on PC’s!
- Proxy Site Usage By Employees To Get Around Firewalls
 - Can Lead to Malware, Viruses, and Compromise Network Security!
- Use By Employees Can Be Uneducated and Dangerous
- Complete Lack of Collaboration Between Company and Lost New Ideas for Company Endeavors
- Studies Have Shown That Use of Social Media at Work Does **Not** Impact Productivity

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April Best
Edit My Profile

FAVORITES

- News Feed
- Messages 2
- Events 2
- Friends

APPS

- Empires & Allies 6
- Game Requests 50+
- FrontierVille 1
- The Sims Social 2
- Pioneer Trail 9

PAGES

- Riptides Fastpitch Alu...

GROUPS

- Intellectual Property 9
- University of Dayton... 1

Friends on Chat

News Feed

Top News · Most Recent

Share: Status Photo Link Video Question

What's on your mind?



Katie Woodruff

Ytg!

12 minutes ago via mobile · Like · Comment



FrontierVille

With your homestead growing, the Bank is here to keep your treasures safe! Unlock a life of luxury in the new Bank on the Homestead! Collect from friends, and make deposits to unlock great rewards!

<http://zyn.ga/9dG> <-- Build an Upgrade-able Bank Today!



Wall Photos

12 minutes ago · 34 70 · Like · Comment · Share



Marianne



Marianne needs Loan Papers in order to complete a Bank

Marianne is building a Bank in FrontierVille and needs your help. If you send Loan Papers, you'll get some too!

20 minutes ago via Pioneer Trail · Like · Comment · Send Loan Papers



Courtney

Celebrating the opening of Andy's Mediterranean at XU! — at Ryan's Pub.

23 minutes ago via mobile · Like · Comment

Sue LaChapelle likes this.

Write a comment...



Elizabeth

has a lot the mind tonight...should I stay or should I go?? Opening night of bowling and I started with a 135 without handicap!! It's going to be a long season!!

24 minutes ago via BlackBerry · Like · Comment

Upcoming Events

See All

What's the event?

2 event invitations

Friend's Event

Sponsored

Create an Ad

Start the year in style



Head back to school with one of our popular quick messaging phones from AT&T with prices starting at free. Plus, shipping is free.



Izzy Video
Digital Video Tutorials
by Israel Hyman

izzyvideo

Follow

Want a happy spouse? Check her into a hotel 20 minutes away, so she can write her book, eat out, without having to worry about the kids. :-)



7:54 PM Aug 26th from TweetDeck

Do you know Tucson, AZ? I'd like to enjoy a hike there. Any recommendations?

7:08 PM Aug 26th from TweetDeck

I'm certain this video is a fake (seems obvious), but it's still a hoot to watch! event:<http://bit.ly/QxrpL>

6:50 PM Aug 26th from TweetDeck

RT @kspidel: Wow. If you want to see something awesome today, click here -> <http://bit.ly/QxrpL> <-- how in the hell?!?!?!

6:38 PM Aug 26th from TweetDeck

@noell sent me this, and I love the lyrics (google them if you want) @noellhyman, you are everything to me! ♪ <http://blip.fm/~cb410>

7:39 PM Aug 25th from Blip.fm

@noellhyman is broadcasting live for all scrapbookers. #pcnb <http://www.paperclipping.co...>

1:15 PM Aug 24th from Tweetie

Name Israel Hyman

Location Mesa, AZ

Web <http://www.izzyvi...>

Bio I just released a free Final Cut Express video course on my website. That's what I do, show people how to do video-related stuff. Why? Because I love video!

1,044 following 2,445 followers

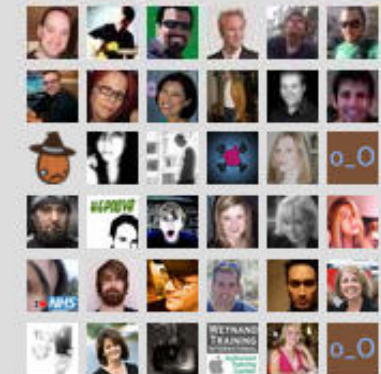
Tweets 1,832

Favorites

Actions

block izzyvideo

Following



View All...

RSS feed of izzyvideo's tweets

Slide 7



11:08 AM May 27th from Tweetie

Blake and I are brainstorming ideas for a short film that he'll direct. We want it to be simple: one setting, maybe use the woods outside.

1:22 PM May 26th from Tweetie

Recent psych research suggests that we learn best when we're "playing", not when we're "working." <http://bit.ly/dZaD3>

11:04 PM May 25th from Tweetie

@Farren I'm in Parkville, MO. Going to do lots of family video, with GREEN backgrounds. Something other than desert for once! :-)

11:57 PM May 24th from Tweetie in reply to Farren

@timseley Yes, we had a great drive. Also, we're planning on seeing your concert. Looking forward to Two Seconds Away live. :-)

10:50 PM May 24th from Tweetie in reply to timseley



We made it to Kansas City in one piece. We're visiting @noellhyman's family. Can't wait to get some good video while we're here. :-)

10:19 PM May 24th from Tweetie

I was an aspiring writer for many years (throughout high school & college), so I love seeing tests like this: <http://bit.ly/jge5n>

12:03 AM May 23rd from Tweetie

@SleevelessArts Two short films should definitely keep you busy. :-)

11:57 PM May 21st from Tweetie in reply to kevstauss

@esotericsean Since my kids are out of school now, I want to get them involved. A fun project, and educational for them. Now, a story...

11:56 PM May 21st from Tweetie in reply to esotericsean

@ChrisCavs Phew! I get exhausted just hearing that. :-) What are your vidcasts going to be about?





backup.

12:48 AM May 28th from Tweetie

Thanks for all the condolences everyone. The good news is that the police are dusting for fingerprints tomorrow. I wish I could see that!

12:35 AM May 28th from Tweetie

Luckily they left the Drobo, so I should be able to restore all my data.

12:02 AM May 28th from Tweetie

Well, it's confirmed. Someone stole my Mac Pro and two displays while I'm visiting relatives here in Kansas City.

12:02 AM May 28th from Tweetie

Reading "Worldwide Rave" and really enjoying it. Getting all kinds of ideas...<http://bit.ly/2WVYKa>

11:58 AM May 27th from Tweetie

My MacBook Pro is too old. It's SO much slower than my Mac Pro. Everything is taking 3-4 times as long! Ugh! [#1stworldcomplaint](#)

11:08 AM May 27th from Tweetie



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The Biggest Risks Are Internal

- Employees Can Create Trouble By Saying Things On “Behalf” of the Company
- Employees Can Say Things on Social Media Sites That Create Controversies and Negative Consequences for the Company
- Authorized Employees Can Inadvertently “License” Images to Social Media Sites
- Employees Can Disclose Confidential Information Without Realizing It

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Follow

I hate my job with a passion. A real, fiery passion. Aviva sucks arse, I tell you.



20 minutes ago from mobile web

Jeez I love Scrubs. Especially JD. And Dr. Cox. And Turk. And Elliot. What to have for tea?

about 22 hours ago from mobile web

Bored bored bored. I think I might just go to bed.

5:21 PM Aug 18th from mobile web

Sometimes I really love Sundays. This particular one's been ace!

5:02 PM Aug 16th from mobile web

Just had to deal with the RUDEST man ever. Some people just don't deserve good lives!

9:26 AM Aug 15th from mobile web

Planning the BEST night in ever. I so heart having an empty house!

7:14 AM Aug 14th from mobile web

Watching The Big Bang Theory. It's no IT Crowd! But @murfilicious is SO Sheldon!

3:24 PM Aug 13th from mobile web

Name Charlotte Jones

Location Cardiff

Bio A little bit mental. In a good way.

70 following 19 followers

Tweets 141

Favorites

Actions

Following



View All...



Follow

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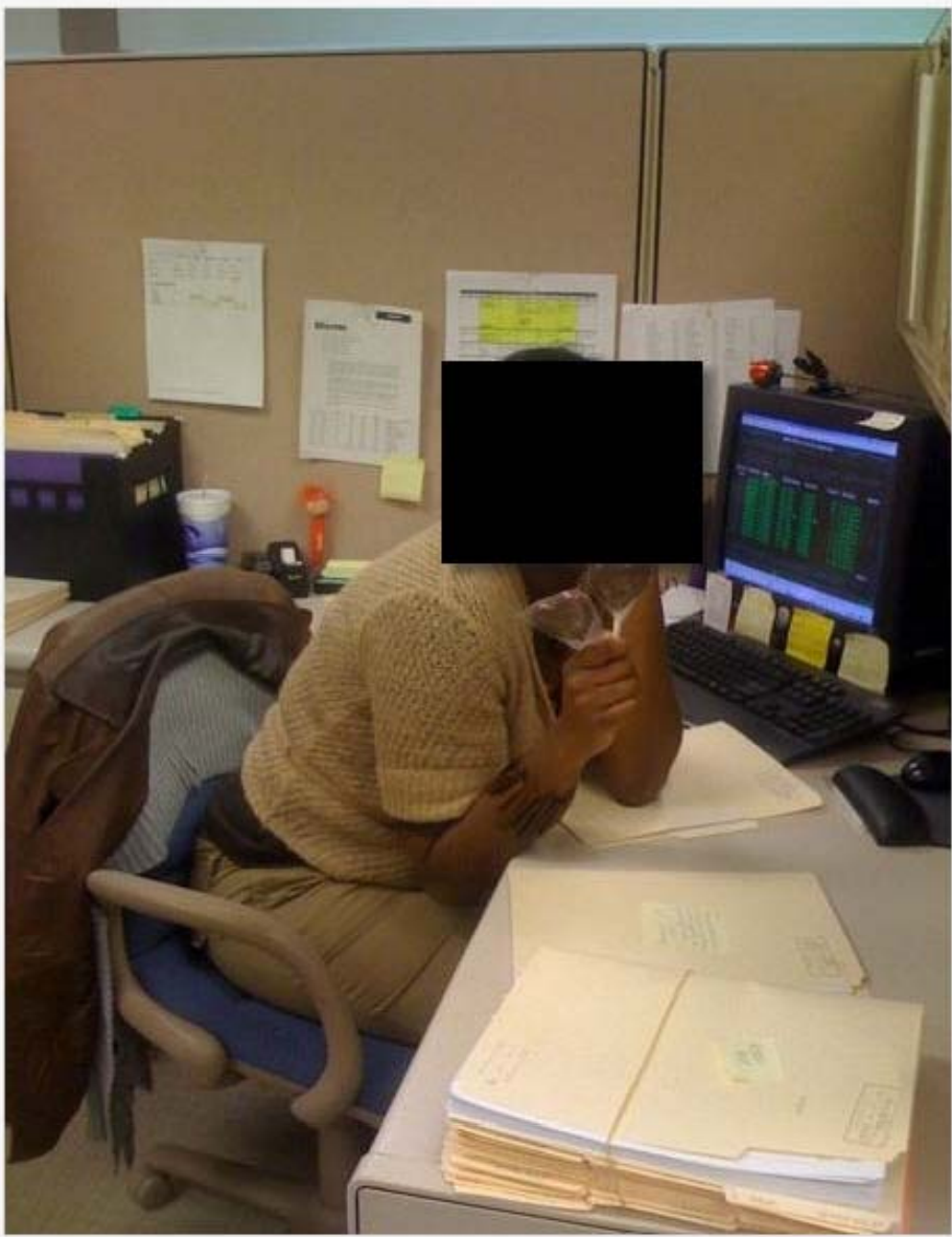
7:14 AM Aug 14th from mobile web

Watching The Big Bang Theory. It's no IT Crowd! But @murfilicious is SO Sheldon!

3:24 PM Aug 13th from mobile web

Photo 4 of 68 | Back to Album |

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College of Photography



Earn a Bachelors or Masters Degree in Photography from Brooks Institute in California. Learn more, or apply online by clicking here!



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Don't wait! For a limited time, get \$250 cash back when you order online.

UNDER \$50⁰⁰ /mo

[LEARN MORE >](#)

Photo 4 of 68 | Back to Album |

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Create an Ad

College of Photography



Earn a Bachelors or Masters Degree in Photography from Brooks Institute in California. Learn more, or apply online by clicking here!

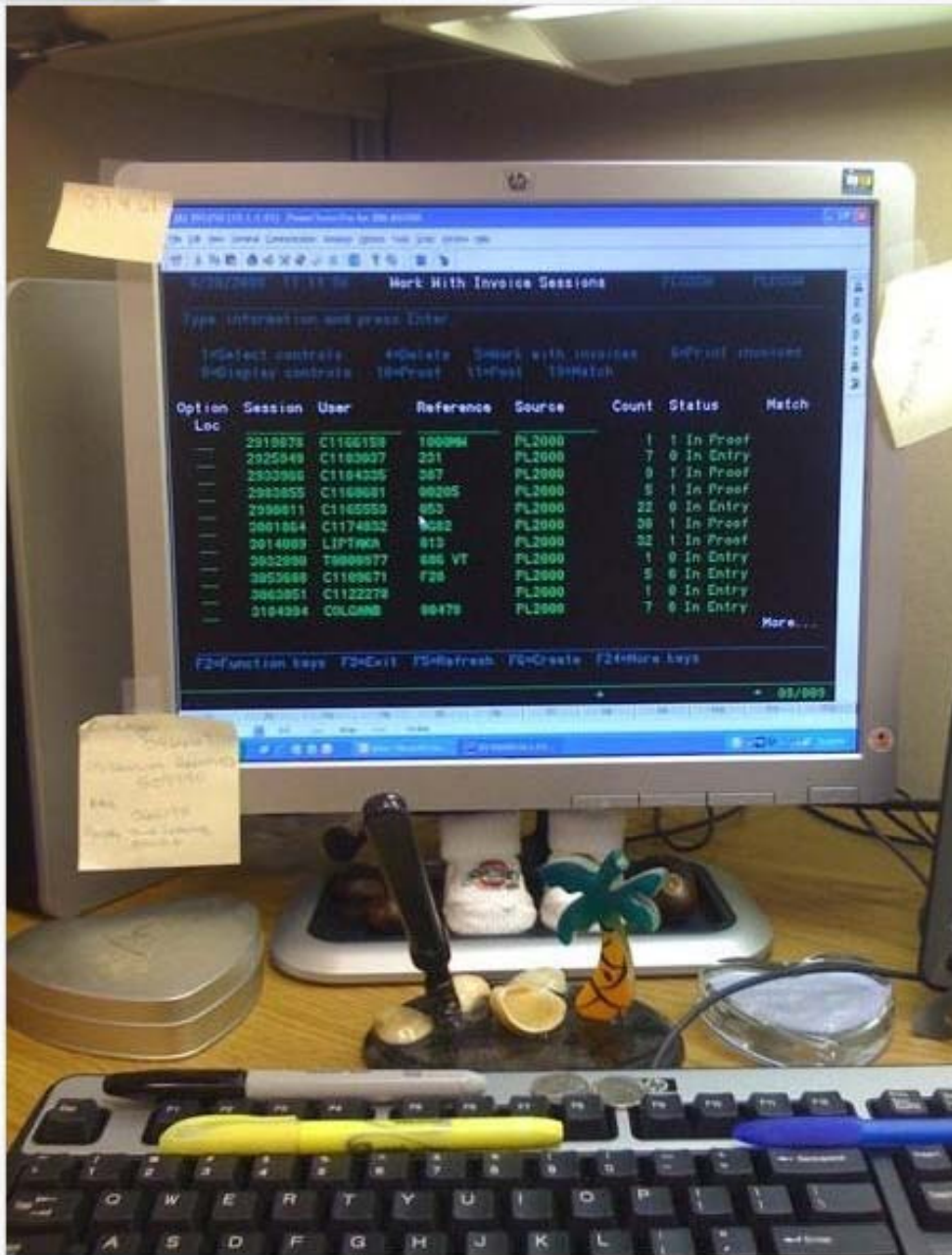


AT&T U-verse™ TV

Don't wait! For a limited time, get \$250 cash back when you order online.

UNDER \$50⁰⁰ /mo

[LEARN MORE >](#)



My kick ass new flat screen :)

Uploaded via Facebook Mobile.

From the album:

Create an Ad



mutual friends.

Add as Friend



Create Your Website in Just Minutes!

Try Our Website Builder Tool **FREE!**

For 30 Days



The Biggest Risks Are Internal

- Honda's Social Media Employee Crosstour Blunder....



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The Biggest Risks Are Internal

- Social Media Comments Weren't Too Positive....



Shawn Brinker Wow. Sorry, but this is one UGLY vehicle! I used to like Honda design, but for the past few years, their cars have either been boring, or some degree of ugly. This is by far the worst looking Honda ever, and if it weren't for the Pontiac Aztek, ...[Read More](#) ▾

5 minutes ago · [Comment](#) · [Like](#) · [Report](#)



Martin Pruszynski Oh god, it looks like the mutant redheaded offspring of a Chrysler Crossfire and a Pontiac Aztek. Thank god japanese cars are refreshed quicker than just about anyone elses.

5 minutes ago · [Comment](#) · [Like](#) · [Report](#)



Takeo Eda I too am dissapointed. I've been a Honda Motors driver since I was in my teens (first an 89 Integra and now an 01 Accord), but I look at this and I cannot help but to think that American Honda has lost it's way.

FWD S2000, no MR NSX, sub-pa...[Read More](#) ▾

5 minutes ago · [Comment](#) · [Like](#) · [Report](#)



Marc Gruben Being able to see this car (and Acura's new "parrot beak" grille) with my own eyes really makes me jealous of Stevie Wonder...

5 minutes ago · [Comment](#) · [Like](#) · [Report](#)

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The Biggest Risks Are Internal

- But There Were Some Positive Comments... Only One Was Made By a Honda Employee Pretending to Be a Customer



The screenshot shows a LinkedIn post by Eddie Okubo with two comments. The post text is: "Interesting design. I would get this car in a heartbeat. I may be the older crowd with my kids out of the house and still need some space and performance. Don't need anything big." The first comment is from John Wilk, who asks if the user is trying to save their job at Honda. The second comment is from Akitomo Sugawara, who identifies himself as the Manager of Product Planning at Honda and suggests the user likes the car because of his job. He includes two URLs: a LinkedIn profile and a truck trend article.

Eddie Okubo Interesting design. I would get this car in a heartbeat. I may be the older crowd with my kids out of the house and still need some space and performance. Don't need anything big.
8 minutes ago · Report

John Wilk sounds like you are trying to save your job at Honda?
6 minutes ago · Report

Akitomo Sugawara Maybe you like it Eddie because you're the MANAGER OF PRODUCT PLANNING at Honda (light trucks in particular)? Lol!
<http://www.linkedin.com/pub/eddie-okubo/14/8a3/4b4>
http://www.trucktrend.com/features/consumer/163_0901_truck_trends_2009_power_list/photo_09.html
about a minute ago · Report

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The Biggest Risks Are Internal

- Post Was Removed by Honda Because It Violated the Companies Social Media Policy:

“Eddie Okubo is a manager in Honda Product Planning. His post was removed for two reasons: 1) He did not first state that he is a Honda employee and that his posting is his personal -- not Honda's -- opinion. 2) He is not a spokesperson for Honda.”

A Social Media Policy Was Key Here!

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Employees Aren't The Only Representatives

- When Thinking About a Social Media Policy Just Don't Think of Your Employees
- The Public Face of A Company Can Have Just as Big of an Effect as an Employee!
 - Corporate Representatives (e.g. Donald Trump)
 - Characters (e.g. Old Spice Guy, Tony the Tiger, Mayhem)
 - Spokespersons (e.g. "Jack McCoy" for Insurance)
- While These Individuals Might Not Have Access to Trade Secrets or Confidential Information – They Can Easily Turn the Tide of Public Opinion Against You!

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Employees Aren't The Only Representatives



@KennethCole
Kenneth Cole

Millions are in uproar in #Cairo. Rumor is they heard our new spring collection is now available online at <http://bit.ly/KCairo> -KC

4 hours ago via Twitter for BlackBerry® ☆ Favorite ↻ Retweet ↩ Reply

Retweeted by stevenhoam and 98 others



Employees Aren't The Only Representatives

I just split up with my girlfriend, but like the Japanese say, "They'll be another one floating by any minute now."

2:24 PM Mar 12th via Twitter for iPhone

Retweeted by 100+ people



RealGilbert

Gilbert Gottfried

Japan is really advanced. They don't go to the beach. The beach comes to them.

11:29 AM Mar 13th via web

Retweeted by 100+ people



RealGilbert

Gilbert Gottfried

Employees Aren't The Only Representatives



Don't Go Without Your "Teeth"

- Moving Forward Without a Social Media Policy in Place is Dangerous
 - Social Media Policies are Necessary to Protect the Company Against Improper Use By Employees.
 - Example: Delta Flight Attendant



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Creating a Social Media Policy

- (1) Be Positive and Emphasize Collaboration – Don't Make It All About What The Employee Can't Do
- (2) Try to Educate Employees When Using Social Media
- (3) Use Site Specific Examples Where Appropriate
- (4) Pay Attention to Industry Standards and Norms
- (5) Leave It Open for Future Social Media Sites
- (6) Make Sure The Policy Has "Teeth" In the End

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Be Positive and Emphasize Collaboration

- Social Media Policies Should Not Discourage Employee Use – ***Again Cuts Off the Benefits of Social Media!***
- Focus on Guidelines to Help Employees When Using Social Media
 - Encourage Honesty and Respect in Posting
 - Discuss Benefits of Social Media
 - Encourage Employees to Work With Company Representative to Ensure Compliance While Also Finding Innovative Ways to Use Social Media

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Educate Employees

- Education is Key to Eliminating Many of the Dangers of Social Media
- For Example:
 - Address Cyber Bullying, Hacking, Fraud, Harassment and Unethical Behavior
 - Privacy Settings on Pages
 - Prohibit Disclosure of Confidential or Proprietary Information
 - Intellectual Property Concerns
 - Financial Disclosures Affecting the Company (Publicly Traded Companies Especially)

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Site Specific Examples

- Sometimes It Will Be Beneficial To Specifically Reference Policies or Terms Applicable to Certain Sites
- Examples
 - LinkedIn Recommendations
 - Wikipedia Pages
 - Second Life and Other Virtual Worlds



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Industry Standards and Norms

- When Drafting the Policy Pay Attention to the Industry Standards and Norms Applicable to Your Company
 - How Are Other Companies Drafting Policies?
 - What Specific Terms Apply Directly to Your Industry?
 - What Specific Regulations Apply to Your Industry?
 - Are There Any Special Laws That Apply?
- ***Make Sure These Special Rules, Regulations, Standards, and Norms are Reflected in Your Policy!***

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Don't Narrow Down to Current Sites



- Remember That Social Media is Changing All the Time
 - What is Hot Today Won't Be Hot Tomorrow!
- Leave Open the Policy So That The Company Can Revise or Update the Policy at ANY Time and State That It Applies to All Future Social Media Sites

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Give the Policy “Teeth”

- The Policy Isn't Effective Unless It Gives the Company the Ability to Take **Action** for Violations
- Be Clear That Failure to Comply Can Lead to *Disciplinary Action Up to And Including Termination!*
- Failure to Include Such Terms Can Be Used Against the Company in Litigation Later On for Wrongful Termination!



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Other Fantastic Social Media Policies

- These Companies Have Created Excellent Policies That Really Set Forth Guidelines for Employees While Providing Protection to the Company

Company	URL
IBM	http://www.ibm.com/blogs/zz/en/guidelines.html
Intel	http://www.intel.com/content/www/us/en/legal/intel-social-media-guidelines.html
BBC	http://www.bbc.co.uk/guidelines/editorialguidelines/page/guidance-blogs-personal-summary
Kodak	http://www.kodak.com/US/images/en/corp/aboutKodak/onlineToday/Social_Media_10_7aSP.pdf
Microsoft (Also Has Separate Blogging Policy Linked in Policy)	http://socialmediagovernance.com/MSFT_Social_Media_Policy.pdf

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How to Handle Employees Who Violate the Social Media Policy

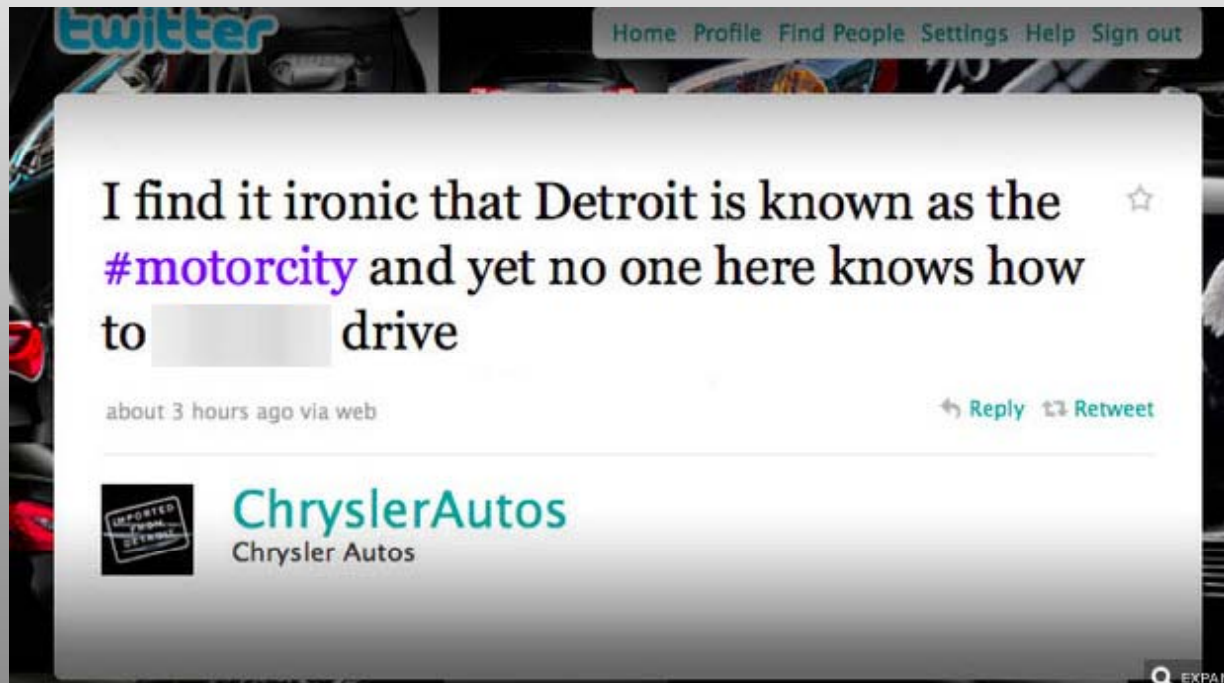
- (1) Don't Panic and Immediately Throw Up Retraction or Delete Posting

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Don't Panic

- Chrysler Had It's Own "Panic" Moment in March 2011 When A Strange Tweet Appeared on the Chrysler Twitter Page...



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Don't Panic

- The Tweet Was Quickly Deleted and Replaced By An Apology from Chrysler...



- However, Insiders At the Company Let Slip to the Media That It Was in Fact An Employee of the Social Media Agency in Charge of Chrysler's Twitter Page That Had Posted a Tweet Thinking It Was Their Own Personal Account

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How to Handle Employees Who Violate the Social Media Policy

- (1) Don't Panic and Immediately Throw Up Retraction or Delete Posting
- (2) Remember That Any Mistake Can Also Be An Opportunity to Connect With The Public in a New and Different Way

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See Opportunities

- If Handled Correctly, The Impact of Social Media Mistakes Can Be Less Problematic!
- American Red Cross Dealt With Its Own Social Media Faux Pau in February 2011
- American Red Cross Social Media Representative Accidentally Tweeted Something on The Red Cross Page Thinking It Was Her Own....

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See Opportunities



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See Opportunities

- The Red Cross Realized the Mistake and Removed The Tweet, Replacing It With...



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See Opportunities

- What Could Have Been a Marketing Nightmare Actually Had a Happy Ending
- Dogfish Head Brewery Encouraged Donations from Its Customers and Many Followed Through
- Red Cross Followers Also Pledged Donations Appreciating the Humor of the Situation

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How to Handle Employees Who Violate the Social Media Policy

- (1) Don't Panic and Immediately Throw Up Retraction or Delete Posting
- (2) Remember That Any Mistake Can Also Be An Opportunity to Connect With The Public in a New and Different Way
- (3) Stay Within the Guidelines of the Policy
 - Don't Remove the Benefits and Protection of the Policy By Taking Action Outside the Scope of the Policy!

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How to Handle Employees Who Violate the Social Media Policy

- (1) Don't Panic and Immediately Throw Up Retraction or Delete Posting
- (2) Remember That Any Mistake Can Also Be An Opportunity to Connect With The Public in a New and Different Way
- (3) Stay Within the Guidelines of the Policy
- (4) Take Necessary Action – ***Still Within the Guidelines of the Policy***

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Conclusions

- (1) Get a Social Media Policy in Place Today!
- (2) Educate Employees As Policy is Implemented
- (3) Focus on a Collaborative Approach Designed to Maximize the Benefits of Social Media for Employees and Company

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Thank You

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April Besl

Dinsmore & Shohl LLP
255 E. Fifth Street, Suite 1900
Cincinnati, Ohio 45202

april.besl@dinslaw.com

(513) 977-8527

Twitter: abesl

Dinsmore & Shohl LLP
ATTORNEYS